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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,077	07/29/2003	Nancy Usiak	02-281US01 [209.0250001]	5948
54953 7590 11/26/2010 BROOKS, CAMERON & HUEBSCH, PLLC 1221 NICOLLET AVENUE SUITE 500 MINNEAPOLIS, MN 55403				
EXAMINER				
MENDOZA, MICHAEL G				
ART UNIT		PAPER NUMBER		
3734				
MAIL DATE		DELIVERY MODE		
11/26/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/629,077

**Applicant(s)**

USIAK ET AL.

**Examiner**

MICHAEL G. MENDOZA

**Art Unit**

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21, 23, 24, 26, 29 and 31-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 and 31-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23, 24, 26, 29, and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 23, 24, 26, 29, and 52 have been considered but are moot in view of the new ground(s) of rejection. The applicant has amended the independent claims to include new limitations requiring new consideration and an updated search.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. 6361637 in view of Ravenscroft 5755770 in view of Anson WO 97/09007 in view of Armstrong et al. 6827731.

4. Martin et al. teaches, a rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into cylindrical configuration wherein the graft includes a larger diameter main section (col. 14, line 48-col. 15, line 3), in combination with an expansion element disposed axially within the rolled graft (col. 15, lines 30-32), further comprising a temporary covering (9) surrounding and restraining the graft. It should be noted that Martin et al. fails to teach two smaller diameter sections at an axial end of the larger diameter section.

5. Ravenscroft teaches a larger diameter main section and two smaller diameter sections at an axial end of the larger diameter section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the graft of Martin et al. to have two smaller diameter sections in view of Ravenscroft when using the graft in conjunction with a trunk vessel into two branch vessels (col. 1, lines 8-14).
6. It should be noted that Martin/Ravenscroft fails to teach wherein both two smaller diameter sections are disposed within the main section.
7. Anson teaches a common graft having two smaller diameter sections disposed within the main section prior to delivery (pg. 4, lines 14-23). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Martin/Ravenscroft in view of Anson invert both smaller diameter sections within the main section in order to have a single tube for ease of delivery.
8. It should be noted that Martin/Ravenscroft/Anson teaches the removal of a covering, but fails to teach a temporary covering comprising a rip cord or ribbon along its length.
9. Armstrong et al. teaches a covering with a common rip cord or ribbon (111) for removal of the covering. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the perforations of Armstrong et al. on the cover of Martin/Ravenscroft/Anson to facilitate the removal of the cover.
10. Martin/Ravenscroft/Anson/Armstrong wherein the graft is rolled onto an axial member (232).

11. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of Ravenscroft in view of Anson in view of Armstrong et al. as applied to claim 27 above, and further in view of Sgro 6063112.

12. Martin/Ravenscroft/Anson/Armstrong teaches the rolled graft of claim 27. It should be noted that Martin/Ravenscroft/Anson/Armstrong fails to teach wherein the temporary covering is absorbed.

13. Sgro teaches a device with a common covering that is absorbable (col. 4, line 66-col. 5, line 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Martin/Ravenscroft/Anson/Armstrong in view of Sgro to make the covering absorbable to remove the need of retrieving the covering after placement of the device.

14. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of Ravenscroft in view of Anson.

15. Martin et al. teaches, a rolled graft, comprising a generally tubular graft flattened against itself and rolled onto itself into cylindrical configuration wherein the graft includes a larger diameter main section (col. 14, line 48-col. 15, line 3), whereby a length of the rolled graft is shortened during delivery inside a body lumen (col. 17, lines 35-37). It should be noted that Martin et al. fails to teach two smaller diameter sections at an axial end of the larger diameter section.

16. Ravenscroft teaches a larger diameter main section and two smaller diameter sections at an axial end of the larger diameter section. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the graft

of Martin et al. to have two smaller diameter sections in view of Ravenscroft when using the graft in conjunction with a trunk vessel into two branch vessels (see figures).

17. It should be noted that Martin/Ravenscroft fails to teach wherein both two smaller diameter sections are disposed within the main section.

18. Anson teaches a common graft having two smaller diameter sections disposed within the main section prior to delivery (pg. 4, lines 14-23). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Martin/Ravenscroft in view of Anson invert both smaller diameter sections within the main section in order to have a single tube for ease of delivery.

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL G. MENDOZA whose telephone number is (571)272-4698. The examiner can normally be reached on Mon.-Fri. 9:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571) 272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. G. M./  
Examiner, Art Unit 3734

/TODD E. MANAHAN/  
Supervisory Patent Examiner, Art Unit 3776